

**SUPERIOR COURT
OF THE STATE OF DELAWARE**

FRED S. SILVERMAN
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 N. KING STREET, SUITE 10400
WILMINGTON, DELAWARE 19801
(302) 255-0669

Submitted: January 12, 2006

Decided: April 28, 2006

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Re: *Capital Cleaners, et al., v. CNA Insurance Companies, Inc., et al.,*
C.A. No. 04C-04-024 -FSS
*Upon Plaintiffs' Motion to Consolidate – **DENIED***

Dear Counsel:

As you know, Judge Carpenter ordered mediation in the related case, *Capitol Cleaners and Launderers, Inc. v. Northern Insurance Company of New York and Sentry Insurance Company, C.A. No. 04C-05-229-WCC*, in March. You have scheduled it to happen in June. Meanwhile, the discovery deadline in Judge Carpenter's case has long since passed and, if mediation fails, trial is set for September 11, 2006.

If this case is consolidated with Judge Carpenter's, the court has no assurance that it will be resolved during, or before, September. To the contrary, the court assumes that consolidation will generate a request to postpone the September trial, and everything will grind to a halt. The court has broad discretion to decide how cases on its docket are tried,

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so that the court's business can be dispatched with expedition and economy while providing justice to the parties.¹

Therefore, consistent with the views I have expressed before, the court remains unwilling to consolidate these cases absent assurance that you can do the trial for the consolidated case in September. Furthermore, if mediation fails in June, I will then hold a scheduling conference to set this case's trial. I will not, however, undermine Judge Carpenter's effort to resolve his case in September. Nor is it likely that Judge Carpenter will delay his trial due to this case's pendency.

For the foregoing reasons, Plaintiffs' Motion to Consolidate is hereby ***DENIED.***

IT IS SO ORDERED.

Very truly yours,

FSS/lah	/s/ Fred S. Silverman
oc: Prothonotary (Civil Division)	
pc: The Honorable William C. Carpenter	
Andrew Dupre, Esquire	
Richard P.S. Hannum, Esquire	
Sean J. Bellew, Esquire	
William J. Cattie, III, Esquire	
Mrs. Melanie Giroso, Civil Case Manager	
Mrs. Aimee Bowers, Civil Case Manager	

¹ See *Olson v. Motiva Enterprises, L.L.C.*, Del. Super., C.A. Nos. 02C-04-263, 02C-05-168, 02C-05-169, 02C-05-190, Slights, J. (July 22, 2003) (Mem. Op.).

